

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MARY “LUNA” PEREZ,

Plaintiff,

v.

No. 5:21-cv-01314

RHP STAFFING COMPANY,
RHP PROPERTIES, JOSEPH CARBONE,
VICKI GRAY-KAZMIERCZAK, LAURA
CALVACANTE, KIMBERLY LOMBARD,
SARAH VAN ASSCHE, MICHELLE SABIN,
MARGIE DISKIN,

Defendants.

ORDER

AND NOW, this 6th day of October 2021, upon consideration of the Defendants’ partial motions to dismiss the Amended Complaint in this action, *see* ECF No. 8, 12¹, and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Defendants’ partial motion to dismiss, *see* ECF No. 8, 12, is **GRANTED in part** and **DENIED in part** as follows
 - a. Defendants’ motion is **GRANTED** with respect to Plaintiff’s hostile work environment claims and her claim of constructive discharge. These claims are **dismissed without prejudice**.
 - b. Defendants’ motion is **GRANTED** with respect to Plaintiff’s claims of discrimination and retaliation that occurred prior to July 25, 2019. These claims are **dismissed with prejudice**.

¹ The Defendants filed their original partial motion to dismiss on July 21, 2021 but forgot to attach Exhibit A to that motion. ECF. No. 8. The Defendants corrected their mistake by filing a second, identical partial motion to dismiss, this time attaching Exhibit A, on September 23, 2021. ECF No. 12. This Order refers to both motions throughout as a single motion.

- c. Defendants' motion is **GRANTED** with respect to Plaintiff's claims under Title VII that occurred prior to November 22, 2019. These claims are **dismissed with prejudice**.
 - d. Defendants' motion is **GRANTED** with respect to Plaintiff's claims of race-based discrimination, with the exception of Plaintiff's claim of race-based discrimination regarding failure to promote. These claims are **dismissed without prejudice**.
 - e. Defendants' motion is **GRANTED** with respect to defendants Vicki Gray-Kazmierczak and Laura Calvacante. These defendants are **dismissed without prejudice**.
 - f. Defendants' motion is **GRANTED** with respect to Plaintiff's claim of retaliation under the ADA. This claim is **dismissed with prejudice**.
 - g. The motion is **DENIED** in all other respects.
2. **Within twenty (20) days of the date of this Order**, Plaintiff may, consistent with the Opinion, file a second amended complaint as to any claims dismissed without prejudice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge